

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS LIABILITY)	
LITIGATION)	
_____)	MDL No. 2419
)	Dkt. No 1:13-md-2419 (RWZ)
THIS DOCUMENT RELATES TO:)	
)	
ALL CASES)	
)	

**THE SAINT THOMAS ENTITIES’ CROSS-MOTION TO COMPEL AMERIDOSE TO
PRODUCE DOCUMENTS AND CORPORATE WITNESS**

The Saint Thomas Entities¹ file this Cross-Motion to Compel Ameridose LLC to produce documents and a corporate representative for deposition.

The Saint Thomas Entities served document requests, interrogatories and a deposition notice for Ameridose. In response, Ameridose filed groundless objections, moved for protection, and produced only 40 pages of documents. *See* Ameridose Response to Saint Thomas Entities’ First and Second Requests for Production, attached as Exhibit “A”; Ameridose Response to Saint Thomas Entities’ Interrogatories, attached as Exhibit “B”; Notice of Deposition, attached as Exhibit “C”; Motion for Protection [Docket No. 1879].

For the reasons stated in the Saint Thomas Entities’ Opposition to the motion for protection [Docket No. 1943], and pursuant to Federal Rule of Civil Procedure 37, the Court should deny Ameridose’s motion for protection and instead, compel it to do the following:

1. Search all processed Ameridose files using the search terms provided by the Saint Thomas Entities and produce, within ten days of this order, all non-privileged documents responsive to the Saint Thomas Entities’ requests;

¹ Saint Thomas West Hospital f/k/a St. Thomas Hospital, Saint Thomas Network, and Saint Thomas Health.

2. With respect to all other data sources, in accordance with the ESI Protocol previously entered by the Court, produce to the Saint Thomas Entities within five days of this order a listing of all additional data sources that have not been searched along with the information possessed regarding the source and content of such data sources (e.g., the custodians using the source, types of files on the source, etc.);
3. With respect to all other data sources, follow the ESI Protocol and produce documents from agreed sources and search terms, with any further disputes being brought to this Court for resolution; and
4. Present a corporate representative for deposition in accordance with Rule 30(b)(6) and the notice previously issued at a mutually convenient time prior to the end of the common issue fact discovery period.

SAINT THOMAS WEST HOSPITAL,
FORMERLY KNOWN AS ST. THOMAS
HOSPITAL, SAINT THOMAS NETWORK,
AND SAINT THOMAS HEALTH

By their attorneys,

/s/ Sarah P. Kelly

Sarah P. Kelly (BBO #664267)

skelly@nutter.com

NUTTER McCLENNEN & FISH LLP

Seaport West

155 Seaport Boulevard

Boston, Massachusetts 02210

(617) 439-2000

(617) 310-9461 (FAX)

Dated: June 8, 2015

OF COUNSEL:

Yvonne K. Puig*

Texas State Bar No. 16385400

yvonne.puig@nortonrosefulbright.com

Adam T. Schramek*

Texas State Bar No. 24033045

adam.schramek@nortonrosefulbright.com

Eric J. Hoffman*

Texas State Bar No. 24074427

eric.hoffman@nortonrosefulbright.com

Norton Rose Fulbright US LLP
98 San Jacinto Blvd. Suite 1100
Austin, Texas 78701
(512) 536-2450
(512) 536-4598 (FAX)

Marcy Hogan Greer*
Texas State Bar No. 08417650
mgreer@adjtlaw.com

ALEXANDER DUBOSE JEFFERSON & TOWNSEND LLP
515 Congress, Suite 2350
Austin, Texas 78701
(512) 482-9300
(512) 482-9303

*Appearing *Pro Hac Vice*

CERTIFICATE OF SERVICE

This certifies that a true and accurate copy of the foregoing was served on all parties of record by virtue of the Court's electronic filing system this 8th day of June, 2015.

/s/ Sarah P. Kelly
SARAH P. KELLY